

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1 and 4-26 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1 and 4-26 will be pending for further consideration and examination in the application.

CLAIM OBJECTIONS OBIATED VIA CLAIM AMENDMENT

Claims 16 and 17 have been objected to because of the Office Action concerns listed within the "Claim Objections" section on page 2 of the Office Action. As amendments have been made where appropriate in order to address each of the Office Action listed concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

“PROVISIONAL” DOUBLE-PATENTING

The non-statutory double patenting rejections regarding the 10/192,717 application, are respectfully noted. While Applicant generally traverses, it is respectfully noted that any present double-patenting rejection(s) is only a “provisional” double-patenting rejection. As a result, Applicant respectfully submits a traversal, but refrains from commenting further on a substance of the rejection at this time, until an actual double-patenting rejection is made.

With regard to one or more parts of the Office Action comments set forth in support of the rejection(s), which appears to assert that certain ones of Applicant's claim features/limitations were “well-known in the art”, traversal is appropriate. Regarding the details of such traversal, attention is directed to the **SPECIFIC TRAVERSAL OF “OFFICIAL NOTICE”** section set forth near the end of this paper. In short, Applicant respectfully requests that the Examiner cite a valid reference supporting the “Official Notice”, as required by **MPEP 2144.03**, or alternative, the Examiner should withdraw the unsupported “Official Notice”.

If a situation arises where the only remaining issue blocking allowance is a double-patenting rejection(s), the Examiner is herein requested to telephone the Undersigned at the local Washington, D.C. area telephone number of 703-312-6600, to let Applicant consider the possible immediate preparation/filing of a terminal disclaimer to move the application to allowance.

'101 REJECTION - ALLEGED "NON-STATUTORY SUBJECT MATTER"

Claims 4, 5, 7, 8, 11, 12-14, 16-17, 19-20, 22-23 and 25-26 have been rejected under 35 USC 101, based upon an allegation that Applicant's recited claim(s) is directed to non-statutory subject matter. Traversal is appropriate. However, Applicant respectfully submits that present amendments to ones of the rejected claims even further define the rejected claims within proper 101 subject matter, and have obviated the rejection. Based upon the foregoing, reconsideration and withdrawal of the '101 rejection are respectfully requested.

In the event that the Examiner determines that any of the present claims do not satisfy the statutory subject matter requirement under '101 and are still directed to non-statutory subject matter, Applicant and the Undersigned ask the Examiner to telephone the Undersigned at the local Washington, D.C. area telephone number of 703-312-6600, or to draft any Office Action rejection, with recommended amendments which would obviate the '101-rejection. The Examiner is thanked in advance for such helpful considerations.

REWRITTEN ALLOWABLE CLAIM(S)

Claims 9 and 15 have been indicated as being allowable if rewritten, as indicated within the "Allowable Subject Matter" section on page 12 of the Office Action, such claims have been so rewritten. Reconsideration and renewal of the allowance are

respectfully requested. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

ALL CLAIMS IN CONDITION FOR ALLOWANCE

In view of the fact that none of the fact that none of the claims have been rejected under 102/103 on a basis of prior art, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

SPECIFIC TRAVERSAL OF "OFFICIAL NOTICE"

Office Action comments in support of the double-patenting rejection(s) assert that certain claimed features/limitations were "well known in the art", i.e., without providing supportive art references for such assertion. With regard to such assertion of apparent judicial (i.e., Examiner) notice of common knowledge or well-known prior art, attention is directed to MPEP '2144.03 which states, "If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Accordingly, in view of Applicant's traversal in this regard, and in accordance with the provisions of MPEP '2144.03, Applicant respectfully requests that a documentary proof be cited to explicitly show that such features/limitations were explicitly known in the art, or alternatively, Applicant respectfully requests withdrawal of all rejections based upon such unsupported judicial notice. Further, at this point, it is respectfully submitted as a

reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.37453CX2) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Paul J. Skwierawski/
Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600